

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HAI NGUYEN,

Plaintiff,

vs.

CITY OF VANCOUVER, VANCOUVER
POLICE DEPARTMENT, and JOHN DOE,
Vancouver Police Officer,

Defendants.

No. 3:22-cv-5077-JHC

ORDER

This matter comes before the Court on Defendant City of Vancouver's Motion for Judgment on the Pleadings. Dkt. # 29. The Court has considered the materials submitted in support of and in opposition to the motion. For the reasons argued by the City—i.e., the complaint seeks to hold it liable under 42 U.S.C. § 1983 under a theory of vicarious liability—the Court GRANTS the motion in part and DISMISSES Plaintiff's claims without prejudice.

Courts have discretion to grant leave to amend in conjunction with 12(c) motions and may dismiss causes of action without prejudice rather than grant judgment. *See Carmen v. San Francisco United Sc. Dist.*, 982 F. Supp. 1396, 1401 (N. D. Cal. 1997), *aff'd*, 237 F.3d 1026 (9th Cir. 2001). The Court so exercises its discretion here to GRANT Plaintiff leave until Friday, July 15, 2022, to amend the complaint.

1 DATED this 1st day of July, 2022.

2
3 
4 HONORABLE JOHN H. CHUN
5 UNITED STATES DISTRICT JUDGE
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25